

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

NOVOLUTO GMBH, a German company,

Case No. 6:20-cv-02284-MK

Plaintiff,

ORDER FOR ENTRY OF DEFAULT

v.

UCCELLINI INC., dba Lora DiCarlo,

Defendant.

KASUBHAI, United States Magistrate Judge:

Plaintiff moves for (1) entry of default against Defendant Pursuant to Fed. R. Civ. P. 55, and (2) leave to file a motion for default judgment in the event that Defendant does not seek to set aside default within seven days.

Under Rule 55(a), “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.”

On January 17, 2023, this Court granted Defendant’s counsel’s motion to withdraw and noted that in federal district court corporations must be represented by counsel. ECF No. 61. Because the withdrawal caused Defendant to be impermissibly unrepresented, the Court directed Defendant to obtain new counsel within 45 days of the entry of its January 17, 2023 order, and cautioned that failure to do so may result in an entry of default and default judgment. *Id.* As of the date of this Order, the docket reflects that no new counsel has appeared on behalf of Defendant.

Because Defendant continues to be impermissibly unrepresented by counsel and has failed to comply with this Court’s order to obtain new counsel despite being warned that failure to do so could result in the entry of default, Plaintiff’s Motion for Entry of Default is GRANTED. After seven days from the entry of this order, Plaintiff has leave to file a motion for default judgment in compliance with Rule 55(b)(2) of the Federal Rules of Civil Procedure.

IT IS SO ORDERED.

DATED this 6th day of April 2023.

s/ Mustafa T. Kasubhai
MUSTAFA T. KASUBHAI (He / Him)
United States Magistrate Judge